

REMARKS

This Amendment is accompanied by a request for a one-month extension for response, and the required fee under 37 C.F.R. 1.17(a)(1).

I. Supplemental Information Disclosure Statement

Applicants bring to the Examiner's attention the additional reference listed on the attached Supplemental Information Disclosure Statement Form PTO/SB/08 (1 sheet). A copy of this reference is enclosed. It is respectfully requested that the listed reference be made of record in the present application, in accordance with 37 C.F.R. 1.97(c).

Certification Pursuant to 37 C.F.R. § 1.97(e)(2)

The undersigned states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

II. Interview with the Examiner

Applicants thank the Examiner for taking the time to conduct a telephonic interview on April 22, 2004 to clarify certain issues. Agreement was reached that independent claims 8 and 31 overcome the rejection over the prior art of record.

III. Amendments to the Claims

In response to the telephonic interview, Applicants have amended independent claims 1, 17, 25, and 40 to incorporate certain features of independent claims

8 and 31. Applicants have also amended dependent claims 10, 23, 33, and 46 to improve their form.

IV. Rejections Under 35 U.S.C. § 102(e)

A. Rejections Over Lee

Independent claims 1, 8, 25, and 31 and dependent claims 2-3, 5-6, 12, 15-16, 26-27, 29-30, 35, and 38-39 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Lee (U.S. Patent No. 5,504,805). This rejection is respectfully traversed.

The invention is directed to returning a telephone call in response to a received message. In accordance with the claimed invention, a caller (or calling party) unable to contact a called party stores a message for the called party and the caller's telephone number. The caller is also prompted to provide at least one preference concerning delivery of the message. For example, the caller may specify a preferred time range within which the message is delivered. The message is delivered to the called party in accordance with the preference. Once the message is received, the called party generates a signal to call back the caller. Upon receipt of the signal, the caller's telephone number is retrieved from storage and a call is placed to the caller. Once the caller answers, the caller is connected to the called party.

Lee discloses an apparatus that identifies a calling party's telephone number to facilitate a call-back. Unlike Applicants' invention, and as the Examiner agreed, Lee does not teach or suggest "prompting the caller to provide at least one preference concerning delivery of the message," or "eliciting from the caller at least one preference concerning delivery of the message," as independent claims 1, 8, 25 and 31 recite. As such, the claimed invention is not anticipated by Lee. Nor is it obvious over Lee from reading Lee. As such, claims 1, 8, 25 and 31, together with dependent claims 2-3, 5-6, 12, 15-16, 26-27, 29-30, 35, and 38-39, are patentable over Lee.

B. Rejections Over Gray et al.

Independent claims 17 and 40 and dependent claims 18 and 41 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Gray et al. (U.S. Patent No. 5,625,682). This rejection is respectfully traversed.

The invention represented by claims 17 and 40 is directed to using a communication system to obtain information about a desired (i.e., called) party. The system provides a destination telephone number for that called party and calls that party. If the called party is not reached, the caller stores a message for the called party and the caller's telephone number. The caller is also prompted to provide at least one preference concerning delivery of the message. The message is delivered to the called party in accordance with the preference. Once the message is received, the called party generates a signal to call back the caller. Upon receipt of the signal, the caller's telephone number is retrieved from storage and a call is placed to the caller. Once the caller answers, the caller is connected to the called party.

Gray discloses a help desk arrangement whereby a caller who is not able to access the help desk immediately (because, e.g., all agents are busy) can leave a message with a phone number and a description of the problem. An agent then retrieves the message and calls the caller back.

Unlike Applicants' invention, and as the Examiner agreed, Gray does not teach or suggest, among others, eliciting from the caller "at least one preference concerning delivery of the message," as amended claims 17 and 40 now recite. As such, the claimed invention is not anticipated by Gray. Nor is it obvious over Gray from reading Gray. As such, claims 17 and 40, together with dependent claims 18 and 41, are patentable over Gray.

V. Rejections Under 35 U.S.C. § 103(a)

A. Rejections Over Lee in View of Hammond

Dependent claims 4, 14, 28, and 37 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee in view of Hammond (U.S. Patent No. 5,155,761). This rejection is respectfully traversed.

Claims 4, 14, 28, and 37 depend from independent claims 1, 8, 25, and 31, respectively, and further claim deriving the caller's telephone number from automatic number identification (ANI).

Hammond discloses a system that automatically calls back the caller if the caller does not reach the desired party. The Examiner stated that Lee does not disclose deriving the caller's telephone number from ANI, but that Hammond does disclose using such ANI. Even if Hammond discloses using such ANI, dependent claims 4, 14, 28, and 37 are patentable by virtue of their dependency from claims 1, 8, 25 and 31, which are patentable for the reasons stated above.

B. Rejections Over Lee in View of Corlett et al.

Dependent claims 7, 9-10, 13, 32-33, and 36 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee in view of Corlett et al. (U.S. Patent No. 5,832,060). This rejection is respectfully traversed.

Claim 7 recites the apparatus of claim 1 comprising a voice response unit. Claims 9 and 32 depend from claims 8 and 31, respectively, and further claim that the preference includes a time range within which the message is delivered. Claims 10 and 33 depend from claims 8 and 31, respectively, and further claim that the preference includes the number of attempts to deliver the message. Claims 13 and 36 depend from claims 8 and 31, respectively, and further claim that the call is unanswered due to a communication problem.

Corlett discloses a system that delivers a message from a caller for a called party, where the system places a call to the called party during intervals predetermined by the system. The Examiner stated that Lee does not disclose the specific features claimed

in dependent claims 7, 9-10, 13, 32-33, and 36, but that Corlett does disclose such features. Even if Corlett discloses such features, dependent claims 7, 9-10, 13, 32-33, and 36 are patentable by virtue of their dependency from claims 1, 8 and 31, which are patentable for the reasons stated above.

C. Rejections Over Lee in View of Gray et al.

Dependent claims 11 and 34 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee in view of Gray et al. This rejection is respectfully traversed.

Claims 11 and 34 depend from claims 8 and 31, respectively, and further claim that the call is unanswered due to a busy condition.

The Examiner stated that Lee does not disclose that the call is unanswered due to a busy condition, but that Gray does disclose this feature. Even if Gray discloses such feature, dependent claims 11 and 34 are patentable by virtue of their dependency from claims 8 and 31, which are patentable for the reasons stated above.

D. Rejections Over Gray et al. in View of Lee

Dependent claims 19, 23-24, 42, and 46-47 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gray in view of Lee. This rejection is respectfully traversed.

Claims 19 and 42 depend from claims 17 and 40, respectively, and further claim that the monitored signals indicate a ring-no-answer condition. Claims 23 and 46 depend from claims 17 and 40, respectively, and further claim that the telephone number is provided by the caller. Claims 24 and 47 depend from claims 17 and 40, respectively, and further claim that the predetermined signal is a DTMF signal.

The Examiner stated that Gray does not disclose the specific features claimed in dependent claims 19, 23-24, 42, and 46-47, but that Lee does disclose such features. Even if Lee discloses such features, dependent claims 19, 23-24, 42, and 46-47

are patentable by virtue of their dependency from claims 17 and 40, which are patentable for the reasons stated above.

E. Rejections Over Gray et al. in View of Hammond

Dependent claims 21-22 and 44-45 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gray et al. in view of Hammond. This rejection is respectfully traversed.

Claims 21 and 44 depend from claims 17 and 40, respectively, and further comprise an operator assisting the customer to obtain information. Claims 22 and 45 depend from claims 17 and 40, respectively, and further claim that the caller's number is derived from ANI.

The Examiner stated that Gray does not disclose the specific features claimed in dependent claims 21-22 and 44-45, but that Hammond does disclose such features. Even if Hammond discloses such features, dependent claims 21-22 and 44-45 are patentable by virtue of their dependency from claims 17 and 40, which are patentable for the reasons stated above.

F. Rejections Over Gray et al. in View of Corlett et al.

Dependent claims 20 and 43 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gray et al. in view of Corlett et al. This rejection is respectfully traversed.

Claims 20 and 43 depend from claims 17 and 40, respectively, and further claim that the monitored signals indicate a communication problem.

The Examiner stated that Gray does not disclose the specific feature claimed in dependent claims 20 and 43, but that Corlett does disclose such features. Even if Corlett discloses such features, dependent claims 20 and 43 are patentable by virtue of their dependency from claims 17 and 40, which are patentable for the reasons stated above.

Conclusion

In view of the foregoing, each of claims 1-47, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

By: _____



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Enclosures